

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICOLAS RUIZ DE CHAVEZ,

Plaintiff,

v.

TENSION ENVELOPE CORPORATION,
BERKLEY FAMILY FOUNDATION,
TENSION INTERNATIONAL, INC.,
SAFETY NATIONAL CASUALTY CORP.,
COMPASS ENGINEERING GROUP,
MATTHEWS AUTOMATION SOLUTIONS, LLC,
MATTHEWS INTERNATIONAL, CORP., HUIZHOU
GURKI INTELLIGENT EQUIPMENT CO., LTD., and
SENTRY CASUALTY COMPANY,¹

Defendants.

OPINION and ORDER

24-cv-807-jdp

Plaintiff has filed a second amended complaint in response to this court's order asking for more information about whether plaintiff has satisfied the jurisdictional requirements in 28 U.S.C. § 1332 and directing plaintiff to name the involuntary plaintiff as a defendant and seek realignment if appropriate. Plaintiff's amended complaint adequately alleges that the three defendants added in plaintiff's first amended complaint have diverse citizenship from plaintiff. But the second amended complaint names Sentry Casualty Company as a defendant and plaintiff did not seek realignment. Plaintiff and Sentry Casualty are both citizens of Wisconsin, so including Sentry Casualty as a defendant would destroy diversity jurisdiction.

Because Sentry Casualty's interest in this lawsuit is in subrogation rights concerning plaintiff's potential recovery against defendants, it is appropriate to realign Sentry Casualty as

¹ Sentry Casualty Company explains in its answer that plaintiff improperly identifies it as Sentry Insurance. Dkt. 37. So the court has updated the caption accordingly.

a plaintiff in this case. The court directs the clerk of court to amend the caption accordingly. With that realignment, the court is persuaded that all the requirements for § 1332 jurisdiction are met at the pleading stage. At summary judgment or trial, the parties will have to come forward with specific evidence identifying each party's citizenship. *See Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 888 (1990) (discussing difference between pleading and summary judgment for the purpose of proving jurisdictional facts).

ORDER

IT IS ORDERED that Sentry Casualty Company is REALIGNED from a defendant to a plaintiff.

Entered June 25, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge